

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

**In the Matter of Creation of a  
Low Power Radio Service**

**To: The Commission**

**REPLY COMMENTS**

In addition to many generic "pre-scripted" brief comments, dozens of substantive Comments were filed from March 7 to April 7, totaling hundreds of pages of conflicting opinions from full and low power advocates battling for limited spectrum.

**Current LPFM licensees / permittees** - Since LPFM is a secondary service, an increasing number of LPFMs must change to another channel, site, or power, struggle blindfolded with both hands tied behind their back, or cease operation. After creating LPFM in 2000 as a local community service, the FCC has the obligation to save LPFM stations by allowing them to continue to reach their audience without their signal being degraded or encroached. If a change is possible that allows this, the only question is "who pays for the change." CCB and other LPFM supporters are united in their belief: LPFM stations should not have to pay for changes they are forced to take in order to survive.

CCB supports all types of technical changes. Last week the FCC granted WGNH-LP Special Temporary Authority to change to a channel that is second adjacent to a full power move-in (COL). The FCC is to be commended. Many more LPFMs could benefit. Also, such changes need to be codified and not require STAs in the future. Using contour methodology is another way to save LPFMs.

What happens if the FCC approves all the technical changes suggested and LPFM coverage is still degraded? The next step is to remove improper applications, permits, and licenses that block moves, by eliminating all “deadwood” from CDBS, starting with LPFM stations.

The FCC database lists many “licensed and operating” LPFMs that are out of business. In some cases the FCC has been notified but has not deleted a station. Examples of this are stations that went Silent several years ago and have never returned to the air (and are still licensed). Many more stations have gone out of business and never notified the FCC. CCB plans to conduct a survey to see which LPFM stations have invalid addresses, disconnected phones, and email addresses that bounce and report the results to the FCC. Hopefully the FCC will follow-up and cancel licenses where a station has ceased operation, making a frequency available in the next window.

**Pending Translator Applications** – LPFM advocates refer to the 2003 Translator Window as GTI, the “Great Translator Invasion.” Whenever the FCC allows unlimited applications per-filer, problems ensue. This occurred more than twenty years ago, when tens of thousands of applications were filed in an unrestricted LPTV window.

CCB does not oppose “translators,” *per se*, even thousands of translators. “Guns”, “automobiles,” and “fire” can be used wisely or for great harm. This is true for “translators.” For more than fifty years, translators have been used to extend a full-power station’s coverage, within its market, to “the back side of the mountain.” This usage is still legitimate. Some of the most successful LPFMs are carried on multiple, separately owned translators. This is an excellent use of translators. (The FCC is currently considering allowing translators to provide better night-time coverage for local AMs.)

Even if it were legal for a few organizations to file thousands of translator applications, it certainly exploited un-intended loopholes. Here is the “normal” process for filing windows:

1. The FCC announces a planned window

2. Broadcasters desiring to use frequencies retain the services of consulting engineers and/or legal counsel to prepare and file applications
3. After getting a CP, broadcasters construct and operate the station, and possibly "sell" in the future

Radio Assist/Edgewater (RA/E) followed a different path. Rather than serving primarily as a "filing service" for prospective broadcasters throughout the USA, RA/E filed thousands of applications, purportedly to build and operate. They never intended to purchase or operate the hundreds of input stations specified in the applications. The applications were "speculative" even if no profit would be made.

Even though the FCC allows translators to change input frequencies at any time, applications are supposed to accurately reflect the intentions of the applicant. Thus, when an input frequency is stated, the assumption is that the purpose of the translator is to rebroadcast that station. Stations throughout the country have become knowing or unwitting partners in an attempt to get permits using questionable "input station information."

Processing MX translator applications has been stalled for more than five years. Unless "excessive" applications are dismissed or an expedited processing procedure is implemented, either (1) the next LPFM window will be delayed further or (2) applicants in the next LPFM window will be denied access to badly needed frequencies. (Prospective LPFM operators have been waiting since 2001 for another Window.)

Solution – CCB supports all ideas that will allow LPFM groups access to more frequencies applied for in the "GTI 2003." In addition CCB offers some alternative and supplemental recommendations.

- (1) Require that all pending translators be owned by broadcasters with a primary station, CP, or application in same Arbitron market, unless the translator will be used to rebroadcast the signal of a

separately owned LPFM in the market. (This would require RA/E to sell applications except those in its local Idaho market.)

- (2) LPFM operators / permittees would be given first option to designate separately owned, local groups to purchase translator applications / CPs being divested for \$2,000 or less.
- (3) Organizations rebroadcasting LPFMs would not be permitted to change their input frequencies, unless the LPFM ceases operation permanently and there are no other LPFMs desiring coverage in the market.
- (4) If no LPFM organization in the market took advantage of this offer, the translator application could be sold to a full-power broadcast organization. To streamline negotiations and processing, the selling price would be limited to \$3,000.
- (5) Actual payment would not be made until the FCC conditionally approved the transfer and issued a CP.
- (6) When the next LPFM window opens (hopefully this fall) LPFM organizations should be allowed to file applications that would be MX with translator applications that are still unresolved when the LPFM window is announced.
- (7) After the LPFM window, the FCC would dismiss all translator applications (but not CPs) that were MX with LPFM applications.
- (8) This process would motivate translator applicants to rapidly transfer ownership and resolve MX situations

CCB recommends the FCC adopt the process used in the NCE 2007 Settlement Window. If this is done, the "seller" would be able to re-coop legitimate, documented expenses, in addition to the \$2,000 / \$3,000 fees mentioned above.

Respectfully submitted,

Christian Community Broadcasters  
284 Louie Lane  
Canton, GA 30115  
[JohnBroomall@yahoo.com](mailto:JohnBroomall@yahoo.com)  
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